

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANTHONY WATKINS,	§
	§
Defendant Below-	§ No. 492, 2009
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 0902013135
Plaintiff Below-	§
Appellee.	§

Submitted: February 15, 2010

Decided: March 1, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This first day of March 2010, upon consideration of the appellant's Supreme Court Rule 26(c) brief, his attorney's motion to withdraw, and the State's response thereto, it appears to the Court that:

(1) On July 10, 2009, the defendant-appellant, Anthony Watkins (Watkins), pled guilty to one count each of Robbery in the First Degree, Possession of a Firearm During the Commission of a Felony, Kidnapping in the Second Degree, Conspiracy in the Second Degree, and Endangering the Welfare of a Child. The Superior Court sentenced Watkins to a total period of forty-six years at Level V incarceration to be suspended after serving four

years in prison for eighteen months of probation. This is Watkins' direct appeal.

(2) Watkins' counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Watkins' counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Watkins' attorney informed him of the provisions of Rule 26(c) and provided Watkins with a copy of the motion to withdraw and the accompanying brief. Watkins also was informed of his right to supplement his attorney's presentation. Watkins has not raised any issues for this Court's consideration. The State has responded to the position taken by Watkins' counsel and has moved to affirm the Superior Court's judgment.

(3) The standard and scope of review applicable to the consideration of a motion to withdraw and an accompanying brief under Rule 26(c) is twofold: (a) this Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for arguable claims; and (b) this Court must conduct its own review of the record and

determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.*

(4) This Court has reviewed the record carefully and has concluded that Watkins' appeal is wholly without merit and devoid of any arguably appealable issue. We also are satisfied that Watkins' counsel has made a conscientious effort to examine the record and the law and has properly determined that Watkins could not raise a meritorious claim in this appeal.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED. The motion to withdraw is moot.

BY THE COURT:

/s/ Randy J. Holland
Justice

* *Penson v. Ohio*, 488 U.S. 75, 83 (1988); *McCoy v. Court of Appeals of Wisconsin*, 486 U.S. 429, 442 (1988); *Anders v. California*, 386 U.S. 738, 744 (1967).